

Customer No. 24498
Attorney Docket No. PF030001US
Reply to Office Action of February 22, 2008

Remarks/Arguments

35 U.S.C. §112, ¶

The Examiner has objected to claim 17 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner noted a lack of antecedent basis for the phrase "audio thumbnail."

Claim 17 has been amended to use terminology with antecedent basis in the corresponding independent claim. Therefore, it is respectfully submitted that this objection has been satisfied and should be withdrawn.

35 U.S.C. §102

Claims 1, 2, 5-9, 13, and 16-18, stand rejected under 35 U.S.C. §102(e) as being anticipated by Platt (U.S. Patent No. 6,987,221) (hereinafter "Platt").

The present invention, as recited by amended claim 1, relates to a method for creating or accessing a menu for audio content stored in a storage means, the content consisting of audio tracks, and the menu containing representations of said audio tracks, the method comprising: classifying the audio tracks into groups or clusters, wherein said classification is performed according to characteristic parameters of said audio tracks; detecting addition of a new audio track; determining characteristic parameters of the new audio track; based on the determined characteristic parameters of the new audio track, classifying the new audio track into an existing group or cluster; selecting automatically an audio track being a representative for the cluster into which the new audio track was classified, wherein the medoid of the cluster is selected; automatically generating a reproducible audio extract from said representative audio track; and associating said audio extract as representative of said cluster to a menu list.

It is respectfully asserted that Platt fails to disclose at least the feature of "selecting automatically an audio track being a representative for the cluster into which the new audio

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track was classified, wherein the medoid of the cluster is selected," as recited in amended claim 1.

Platt teaches "systems and/or methods that generate playlist(s) for a library or collection of media items via selecting a plurality of seed items, at least one of which is an undesirable seed item. Some of the seed items are desirable indicating that a user prefers additional media items similar to the desirable seed items and others are undesirable indicating that the user prefers additional media items dissimilar to the undesirable seed items. Additionally, the seed items can be weighted to establish a relative importance of the seed items. The invention compares media items in the collection with the seed items and determines which media items are added into the playlist by computation of similarity metrics or values. The playlist can be regenerated by adding desirable seed items to the playlist and removing media items from the playlist (e.g., undesirable seed items)." (Platt Abstract)

The Office Action asserts that "Platt discloses a method for creating and accessing a menu for audio content (playlist, Column 1 Lines 52 - 58) stored in a storage means (media database 106, also represented by disk storage 1524), the content consisting of audio tracks ("media such as, but not limited to, audio (e.g., songs)," Column 4 Lines 12 - 36), and the menu containing representations of said audio tracks (Figure 4 and Column 6 Lines 62 - 67), the method comprising: -classifying the audio tracks into groups, or clusters wherein said classification is performed according to characteristic parameters (Figure 3) of said audio tracks ("When the add button 450 is clicked, a playlist is then generated that fits or is similar to the selected song which is now referred to as a seed item and the selected song being added to the beginning of the playlist," Column 6 Lines 42 - 46); -selecting automatically an audio track being a representative for the cluster, wherein said selection is performed according to characteristic parameters of said audio track and of the other audio tracks of said cluster ("items or tracks are sorted according to their respective similarity values" as a result "the desirable seed items, by virtue of necessarily being more similar, are inserted at the beginning of the playlist at 116," and therefore the track appearing first in the playlist has been automatically selected to represent the playlist since the more similar songs appear first and "a user would likely prefer to hear the more similar songs first", Column 13 Lines 33 -

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Column 13 Lines 33 - 43); -generating as said representation a reproducible audio extract from said representative audio track (All tracks including the representative audio track has a "preview or short version of the selected track (e.g., playing 10 seconds of a song 30 seconds into the song)," Figure 4 and Column 6 Lines 62 - 67); and -associating said audio extract to a menu list (Figure 4)." (Office Action, pages 3-4)

As described in its title ("Auto Playlist Generation With Multiple Seed Songs") and specification, Platt uses seed songs that must be selected by the user. A goal of Platt is to identify songs similar to those selected as seed songs by the user, assuming that the user has selected preferred songs as seed items. The selection of seed items in Platt, however, is fully dependent upon the user. If newly added songs do not match any of the seed items, they will not be added to a playlist (see column 4, lines 61-64 and column 8, lines 65-67). Further, the candidate songs are always compared only to the original seed items (see column 8, lines 26-27 and line 53) and the clusters that are created around the seed songs will always be representative of the original seed songs (see column 5, lines 3-5). The similarity metric or value that is used for comparison of the candidate item with the seed item is a function of only seed items (see column 9, lines 11-12, column 10, lines 11-13 and column 14, lines 4-5).

In contrast to Platt, the present invention provides for the classification of audio tracks into clusters and the selection of a representative audio track of the modified cluster to be automatically performed. The automatic classification allows each song that is added to the collection to be classified into an existing cluster. Furthermore, after adding a song to a cluster, the average style of this cluster will generally be modified as a result of the addition. With the selection of a new representative of the cluster based upon the new average (or medoid), the user can receive an impression about the new cluster. This is in contrast to Platt where the cluster will continue to be defined solely by the seed items. Since Platt describes handling songs that do not match one of the seed items by not adding them to a playlist, the skilled practitioner is not guided towards the claimed invention by the teaching of Platt. Thus, the invention of Platt is not suitable for automatically organizing an audio database and automatically selecting audio tracks that are representative of the resulting clusters.

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Therefore, Platt fails to disclose at least the limitation of "selecting automatically an audio track being a representative for the cluster into which the new audio track was classified, wherein the medoid of the cluster is selected," as recited in amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that amended claim 1 is patentably distinguishable over the teachings of Platt. It is further submitted that currently amended independent claim 16 is allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-15 and 17-18 are dependent from allowable independent claims 1 and 16, respectively, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection should be withdrawn.

35 U.S.C. §103

Claims 3, 4 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Platt.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Platt in view of Kraft et al. (U.S. Patent No. 6,225,546), hereinafter Kraft.

Claims 12, 14, and 15, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Platt in view of Mercer et al. (U.S. Patent No. 7,043,477), hereinafter Mercer.

As described above, since dependent claims 2-15 and 17-18 are dependent from allowable independent claims 1 and 16, respectively, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. The teachings of the additional references fail to overcome the defect of Platt as applied to claims 1 and 16. Thus, it is further respectfully submitted that these rejections should be withdrawn.

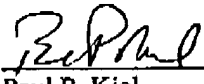
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Applicant also notes, however, that Mercer discloses organizing songs by various features, including genre and artist. These features are specified by the user (see column 7, lines 25-31). The groups are named according to the feature (e.g. "Artist," see column 9, lines 16-56). Mercer does however not disclose representative songs for clusters. In particular, the selection of a new representative for the cluster, after adding a new song, is not disclosed. Applicant further notes that Kraft deals only with music summarization and the creation of audio summaries for particular given songs.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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Date: 5/13/08